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In re Application of ANDREOLETTI et al.

Application No.: 10/523,593

PCT No.: PCT/EP03/08926

Int. Filing: 12 August 2003

Priority Date: 14 August 2002

Attorney Docket No.: 620-359

For: HETEROPOLYMERIC COMPOUND COMPRISING: UNDER 37 CFR 1.47(a)

A SCAFFOLD, AN ADJUVANT AND AN ANTIGEN

AND IT USE

DECISION ON

RENEWED PETITION

This is a decision on applicant's renewed petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 02 November 2006 (and refiled via facsimile on 10 January 2007), in response to a Notification of Missing Requirements. Petitioner requests a one month extension of time from the Notification of Missing Requirements, which is granted.

**BACKGROUND**

On 26 August 2005, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 27 February 2006, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signatures of inventors Pierre Andreoletti, Michel Julien and Emmanuel Risse. Applicant alleges that the inventors refuse to sign the application. The petition included the requisite petition fee, declarations signed by the joint inventors Laurence Dumon, Fergal Hill, Jean Marchand on their behalf and on behalf of nonsigning joint inventors and a statement of facts under 37 CFR 1.47(a).

On 03 August 2006, a decision dismissing the petition was mailed to applicant. On 02 November 2006, applicant filed a renewed petition under 37 CFR 1.47(a), along with a

declaration executed by the previously non-signing inventor.

On 10 January 2007, Petitioner filed a copy of the renewed petition under 37 CFR 1.47(a) along with a USPTO date-stamped itemized postcard receipt.

### DISCUSSION

A review of the USPTO date-stamped, itemized postcard receipt indicates that a renewed petition under 37 CFR 1.47(a) along with declarations (6 pages) and the request for extension of time were deposited, in the USPTO on 02 November 2006. The evidence submitted is sufficient to establish that these declarations were received in the USPTO on 02 November 2006. Accordingly, it is appropriate to accept the copies of the declarations as a replacement for the missing original declarations with a deposit date of 02 November 2006.

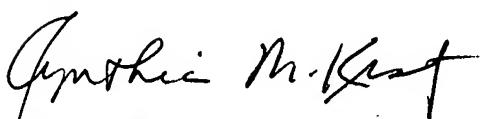
A review of the declarations reveals that the declarations identify and are executed by each of the previously nonsigning inventors, and state the residency, citizenship and mailing address of each inventor. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(a) is considered moot as a declarations executed by the previously unavailable inventors has now been submitted and are acceptable under 37 CFR 1.497(a) and (b).

### CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is considered **MOOT**. The declarations executed by the joint inventors and submitted on 02 November 2006 is in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **02 November 2006**.



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